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Attorneys for Plaintiff
Edna B. Callaway

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDNA B. CALLAWAY,)	Case No.: 2:21-cv-01237-EJY
)	
Plaintiff,)	STIPULATION FOR THE AWARD
)	AND PAYMENT OF ATTORNEY
vs.)	FEES AND EXPENSES PURSUANT
)	TO THE EQUAL ACCESS TO
KILOLO KIJAKAZI,)	JUSTICE ACT, 28 U.S.C. § 2412(d)
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	

TO THE HONORABLE ELAYNA J. YOUCHAH, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Edna B. Callaway be awarded attorney fees and expenses in the amount of TWO THOUSAND EIGHT HUNDRED dollars (\$2,800.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Edna B. Callaway, the
2 government will consider the matter of Edna B. Callaway's assignment of EAJA
3 fees to Marc V. Kalagian. The retainer agreement containing the assignment is
4 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
5 the ability to honor the assignment will depend on whether the fees are subject to
6 any offset allowed under the United States Department of the Treasury's Offset
7 Program. After the order for EAJA fees is entered, the government will determine
8 whether they are subject to any offset.

9 Fees shall be made payable to Edna B. Callaway, but if the Department of
10 the Treasury determines that Edna B. Callaway does not owe a federal debt, then
11 the government shall cause the payment of fees and expenses to be made directly
12 to Law Offices of Lawrence D. Rohlffing, Inc., CPC, pursuant to the assignment
13 executed by Edna B. Callaway.¹ Any payments made shall be delivered to Marc
14 V. Kalagian.

15 This stipulation constitutes a compromise settlement of Edna B. Callaway's
16 request for EAJA attorney fees, and does not constitute an admission of liability on
17 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
18 shall constitute a complete release from, and bar to, any and all claims that Edna B.
19 Callaway and/or Marc V. Kalagian including Law Offices of Lawrence D.
20 Rohlffing, Inc., CPC may have relating to EAJA attorney fees in connection with
21 this action.

22 This award is without prejudice to the rights of Marc V. Kalagian and/or the
23 Law Offices of Lawrence D. Rohlffing, Inc., CPC to seek Social Security Act
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
2 the EAJA.

3 DATE: March 28, 2022 Respectfully submitted,

4 LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

5 /s/ *Marc V. Kalagian*

6 BY:

Marc V. Kalagian
Attorney for plaintiff Edna B. Callaway

8
9 DATED: March 28, 2022

CHRISTOPHER CHIOU
Acting United States Attorney

10
11 /s/ *Allison J. Cheung*

12 ALLISON J. CHEUNG
Special Assistant United States Attorney
Attorneys for Defendant KILOLO KIJAKAZI,
Acting Commissioner of Social Security
14 (Per e-mail authorization)

15 **ORDER**

16
17 Approved and so ordered.

18 DATE: March 29, 2022

19 
20 THE HONORABLE ELAYNA J.
21 YOUCHAH UNITED STATES
MAGISTRATE JUDGE
22
23
24
25
26

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of March 29, 2022, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ms. Edna B. Callaway
8349 Granite Peak Ct.
Las Vegas, NV 89145

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Marc V. Kalagian
TYPE OR PRINT NAME

/s/ Marc V. Kalagian
SIGNATURE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 2:21-CV-01237-EJY**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on March 29, 2022.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Marc V. Kalagian

Marc V. Kalagian
Attorneys for Plaintiff